

REMARKS/ARGUMENTS

Claims 24-28 and 32 were rejected as under 35 U.S.C. § 102(b) or § 102(e) as anticipated by U.S. 6,576,393 (hereinafter referred to as "Sugita").

First, applicants note their understanding that the reference to 35 U.S.C. § 102(b) is a typographic error since Sugita granted in June of 2003 nearly two years after the filing date of the present application. The undersigned believes the intent was to refer only to § 102(e).

In regard to the substance of the rejection, applicants note that organosilicates generally were known at the time of the Sugita patent and at the time of the present invention hereof. The novel and unobvious aspect contributed by the present inventors is the discovery that when a silane containing a non-aromatic unsaturated group is hydrolyzed in combination with an aromatic containing silane, the resulting material provides unique and unobvious benefit of combination of good wetting, coating, and adhesion with a variety of organic aromatic substrates or overcoat layers. For example, in the present specification, Examples 7 and 8 demonstrate that using this combination provides excellent coating properties even with very thin organic aromatic overcoat layers. In contrast, if only a vinyl containing silane is used, poor overcoat quality was observed until the overcoat thickness became quite large — i.e. large enough to overcome the poor wetting and coating on the organosilane layer.

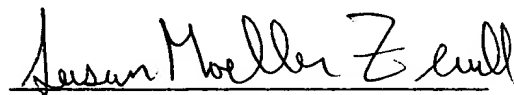
Sugita teaches a resist underlayer film that is formed from a hydrolysate and/or condensate of compound A-1 or A-2. Compound A-1 has the formula $R^1Si(OR^2)_{4-a}$. Where R^1 and R^2 are taught to be univalent organic groups such as alkyl, aryl, allyl, and glycidyl. Sugita then proceeds to list nearly two full columns of examples of compounds that could meet the definition of compound A-1. Amongst these two full columns vinyl silanes and phenyl silanes are mentioned. Nevertheless, the preferred compounds are tetramethoxysilane, tetraethoxysilane, methyltrimethoxysilane, methyltriethoxysilane, dimethyldimethoxy silane and dimethyldiethoxysilane (col. 6, lines 5-9). In addition, Sugita's examples use only his preferred compounds. Note further that while Sugita contains a generic statement that the compounds can be used

alone or in combination Sugita does not teach or suggest any particular combinations and particularly has no teaching or suggestion that silanes containing a non-aromatic unsaturated group should be particularly combined with aryl silanes.

In summary, Sugita does not anticipate the material of claims 24-28 or 32 made from the specific combination of silanes recited because Sugita's extensive listing of possible components, the generic statement (without examples) that combinations could be used, and the taught preference to use compounds not within the definition of either component (a) or (b) of present claim 24, does not place the particular combination of these claims in the possession of the public and is not enabling of the present invention.

In view of the above discussion, Applicants request withdrawal of the present rejection and allowance of the pending claims.

Respectfully submitted,



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